

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
ANIBAL LOPEZ DIAZ

CASE NO. 10-10150-ESL

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT  
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.**

Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in

**R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,800.00   Fees paid: \$0.00   Fees Outstanding: \$2,800.00</b>
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With respect to the proposed (amended) Plan dated: **October 15, 2010** (Dkt 2).

Plan Base: **39,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Feasibility [§1325(a)(6)]: There is/are no allowed claim(s) for creditor(s) dealt in the plan [FRBP RULE 3021].

No proof of claim has been filed on behalf of secured creditor, Bayview Loan Servicing, LLC ("Bayview"). The plan sufficiency cannot be determined until Bayview filed its proof of claim.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this December 20, 2010.

/s/ Jose R. Carrion

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/s/ Mayra Arguelles -Staff Attorney

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JOSE R. CARRION

CHAPTER 13 TRUSTEE

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